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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,000	07/18/2003	Wenzhen Li	P/2778-42	3043

2352 7590 05/07/2007
OSTROLENK FABER GERB & SOFFEN
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NEW YORK, NY 100368403

EXAMINER

TRAN, KHANH C

ART UNIT	PAPER NUMBER
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2611

MAIL DATE	DELIVERY MODE
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05/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/623,000

Applicant(s)

LI, WENZHEN

Examiner

Khanh Tran

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 is/are allowed.
- 6) ☒ Claim(s) 10 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. The Amendment filed on 02/14/2007 has been entered. Claims 1-11 are pending in this Office action.

Response to Arguments

2. Applicant's arguments, see Applicant's Remarks, filed on 02/14/2007, with respect to the rejection(s) of claim(s) 10 under 35 U.S.C 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Matui U.S. Patent 6,587,521 B1 (cited in the last Office action).

3. Amendment to the Drawings filed on 02/14/2007 has been reviewed and entered.

4. Objection to the claim 9 has been withdrawn after Applicant corrected all the informalities.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matui U.S. Patent 6,587,521 B1 (cited in the last Office action).

Regarding claim 10, Matui teaches a signal estimator as shown in FIG. 1. IN column 4 lines 29-60, the signal estimator includes a phase rotator 102 rotates the phase of a received signal input through the input terminal 101 to compensate the phase shift. The maximum likelihood sequence estimator (MLSE) 103 receives the output of the phase rotator 102, estimates the received signal based on the Viterbi algorithm and then outputs to the phase detector 105 an error signal as a minimum error signal used to create a minimum path metric signal in the Viterbi algorithm. Input to the MLSE is delayed by a delay element 104 by the time corresponding to the delay produced by the MLSE 103. In light of the foregoing disclosure, phase detector 105 corresponds to the claimed processing means.

Matui, however, does not expressly teach "the processing means arranged to determine the imaginary part of the result of dividing the second input by the first input; said part corresponding to the phase difference".

As well known in the art, phase detector 105 compares and produces the phase difference between the two inputs. Because the phase components are derived from the imaginary parts of the input signal, therefore, it would have been obvious for one of ordinary skill in the art at the time the invention to modify Matui phase detector 105 to determine the imaginary part of the ratio of the second input and the first input; to produce a phase difference respectively.

Allowable Subject Matter

6. Claims 1-9 are allowed for the reasons as recited in the last Office action.

7. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sköld et al. U.S. Patent 5,903,610 discloses "Method and apparatus for channel estimation".

Davis et al. U.S. Patent 5,706,314 discloses "Joint maximum likelihood channel and timing error estimation".

Yokosuka et al. U.S. Patent 4,918,393 discloses "Phase control device".


Takahashi U.S. Patent 5,732,109 discloses "Phase detector".

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Tran whose telephone number is 571-272-3007. The examiner can normally be reached on Monday - Friday from 08:00 AM - 05:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KCT


05/01/2007
Khanh Tran
Primary Examiner, AU 2611